

CITY PLANNING COMMISSION MINUTES

December 16, 2004

The regular meeting of the City Planning Commission convened Thursday, December 16, 2004 at 1:34 pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Charles Greenberg, Leslie Gentile, Matthew Jenkins, Nick Sramek, Morton Stuhlbarg, Charles Winn

ABSENT: COMMISSIONERS: Mitchell Rouse

CHAIRMAN: Morton Stuhlbarg

STAFF MEMBERS PRESENT: Fady Mattar, Acting Director
Greg Carpenter, Planning Bureau Manager
Angela Reynolds, Advance Planning Officer
Carolyn Bihn, Zoning Officer
Lynette Ferenczy, Planner
Jayme Mekis, Planner
Heidi Eidson, Minutes Clerk

OTHERS PRESENT: Mike Mais, City Attorney
Beth Stoch, Housing Services Bureau
Larry Triesch, Housing Services Bureau

PLEDGE OF ALLEGIANCE

Commissioner Gentile led the pledge of allegiance.

SWEARING OF WITNESSES

CONSENT CALENDAR

Chairman Stuhlbarg stated that requests were received to continue Item 1A to a date uncertain to be readvertised and to remove Items 1C and 1D to the regular agenda.

Commissioner Gentile made a motion to accept Item 1B as presented by staff. Commissioner Jenkins seconded the motion which passed 6-0. Commissioner Rouse was absent.

Commissioner Sramek made a motion to continue Item 1A to a date uncertain to be readvertised. Commissioner Winn seconded the motion which passed 6-0. Commissioner Rouse was absent.

1A. Case No. 0410-17, Zoning Ordinance Amendment, CEP 493-04

Applicant: Fady Mattar, Acting Director of Planning and Building
Subject Site: Citywide
Description: Proposed Amendment to the Zoning Ordinance and to the Local Coastal Program to permit conversion of existing motels and hotels to special needs housing.

Continued to a date uncertain to be readvertised.

1B. Case No. 0410-22, Conditional Use Permit, ND 31-04

Applicant: Tomika L. Thompson
Subject Site: 1400 Obispo Avenue (Council District 4)
Description: Request to operate a child care facility from an existing building.

Certified Negative Declaration 31-04 and approved the Conditional Use Permit.

1C. Case No. 0410-18, Conditional Use Permit, Sign Standards Waiver, Site Plan Review, CE 04-215

Applicant: Long Beach Towne Center, LLC
c/o Kerr Project Services
Subject Site: 7681 Carson Boulevard (Council District 5)
Description: A Conditional Use Permit and Site Plan Review to construct a new 4,659 square foot fast food restaurant with a drive-thru lane and a Sign Standards Waiver for a pre-menu board sign.

Removed to the regular agenda.

1D. Case No. 0408-26, Conditional Use Permit, Local Coastal Development Permit, CE 04-171

Applicant: Alamitos Bay Partnership
c/o Alicia Shelton and Jennifer McDonald for The Gaslamp Restaurant and Bar
Subject Site: 6251 E. Pacific Coast Highway (Council District 3)
Description: A Conditional Use Permit and Local Coastal Development Permit to establish a fixed bar with Type 47 Liquor License (beer, wine, distilled spirits) in an existing restaurant.

Removed to the regular agenda.

REGULAR AGENDA

1C. Case No. 0410-18, Conditional Use Permit, Sign Standards Waiver, Site Plan Review

Applicant: Long Beach Towne Center PO, LLC
c/o Kerr Project Services
Subject Site: 7681 Carson Boulevard (Council District 5)
Description: A Conditional Use Permit and Site Plan Review to construct a new 4,659 square foot fast food restaurant with a drive-thru lane and a Sign Standards Waiver for a pre-menu board sign.

Lynette Ferenczy presented the staff report recommending approval of a new Chick-Fil-A drive-thru restaurant in the Long Beach Towne Center.

In response to a query from Commissioner Greenberg with regards to traffic flow and access, Mr. Carpenter stated that the site could be

accessed by entering the center from Carson and accessing the restaurant from a secondary driveway within the center. He also remarked that signage could alleviate some of the confusion.

Greg Lawless, Development Manager for Chick-Fil-A, 5200 Buffington Road, Atlanta, Georgia, stated that the ingress and egress on the site would not change from what had previously been there. He also remarked that they would have directional signage and a long drive-thru cue which would keep drive-thru traffic separate from dine-in patrons wanting to park.

In response to concerns from Commissioner Gentile regarding the location of the trash enclosure, Mr. Lawless presented the Commission with an updated site plan which showed a relocated trash enclosure and addressed some of the concerns that were raised.

In response to a query from Commissioner Gentile regarding traffic circulation problems within the center, Mr. Carpenter stated that staff could draft additional conditions regarding signage, however if the Commission felt that Site Plan changes and additional traffic analysis were required the project would need to come back to the Commission so that the City's Traffic Engineer could make recommendations and Vestar, the Property Manager, would also need to be present.

Commissioner Greenberg stated that he was concerned with parking and traffic circulation problems at the center and didn't feel that he understood the problems and possible solutions well enough to make a decision. He also remarked that he would like the operator of the center present to share their insights before a decision was made.

Commissioner Winn made a motion to continue the item to the meeting of January 20, 2005 with the proviso that the operator of the center also be present. Commissioner Greenberg seconded the motion which passed 6-0. Commissioner Rouse was absent.

(Item taken out of order to be continued to a date certain)

5. Case No. 0405-26, Conditional Use Permit, ND 21-04

Applicant: Warrant Coalson
Subject Site: 1630-1660 E. 32nd Street (Council District 7)
Description: Request to allow an asphalt and concrete recycling and crushing operation in the General Industrial (IG) Zone District.

Commissioner Winn made a motion to continue the item to the meeting of January 20, 2005. Commissioner Greenberg seconded the motion which passed 6-0. Commissioner Rouse was absent.

1D. Case No. 0408-26, Conditional Use Permit, Local Coastal Development Permit, CE 04-171

Applicant: Alamitos Bay Partnership
C/o Alicia Shelton and Jennifer McDonald for The Gaslamp Restaurant and Bar
Subject Site: 6251 E. Pacific Coast Highway (Council District 3)

Description: A Conditional Use Permit and Local Coastal Development Permit to establish a fixed bar with Type 47 Liquor License (beer, wine distilled spirits) in an existing restaurant).

Lynette Ferenczy presented the staff report recommending the approval of a Conditional Use Permit and Local Coastal Development Permit.

Michael Cho, attorney representing the applicant, 3991 MacArthur Boulevard, Suite #350, Newport Beach, stated that his clients have been active in talking with members of the community, the police department and city staff due to the history of the last business located at that site.

Mr. Cho stated that upon reviewing the Conditions of Approval for the project his clients have a request for a change to Condition 34 to permit some use of the patio outside in order to accommodate smoking. He requested that the condition state "no sales, service or consumption of alcoholic beverages on the patio after 10:00 pm". This would allow customers access to the patio, but issues related to noise and alcohol would be alleviated.

Mr. Cho also remarked that no letters or petitions had been received in opposition to the project.

Mr. Carpenter stated that staff took a conservative approach to the project due to the numerous problems at the site by the previous operator. Mr. Carpenter stated that a condition restricting alcohol on the patio after 10:00 would create an enforcement issue and there is no Code Enforcement staff working at 10:00 pm. He suggested that the Commission consider a provision to allow the new condition for a period of one year with review by staff at the end of one year.

In response to a query from Commissioner Greenberg, Mr. Cho stated that food service would be allowed on the patio after 10:00 and staff would advise patrons when seating them that alcohol service ceases and drinks are removed at 10:00 pm.

Commissioner Greenberg made a motion to approve the Conditional Use Permit and Local Coastal Development Permit with a change to Condition 34 which restricts the sales, service and consumption of alcohol on the patio after 10:00 pm subject to review at the end of one year by the Director of Planning and Building. Commissioner Winn seconded the motion which passed 6-0. Commissioner Rouse was absent.

2A. Case No. 0410-02, Tentative Map, CE 04-204

Applicant: Subtec, as authorized agent for property owner
Subject Site: 841 Gardenia (Council District 2)
Description: Approval of Vesting Tentative Map No. 61777, to convert an existing sixteen-unit apartment building into condominiums.

Jayne Mekis presented the staff report for the item continued from the meeting of December 2, 2004 for a condominium conversion. Staff recommended approval of the project as it would provide additional homeownership opportunities.

Cheryl Vargo, 5147 Rosecrans, Hawthorne, representing the applicants, stated that the project includes significant upgrades and improvements to the property including the interior and exterior of the units. She further stated that the applicants were in acceptance of all of the conditions.

Commissioner Winn made a motion to approve Vesting Tentative Map No. 61777, subject to conditions. Commissioner Sramek seconded the motion which passed 6-0. Commissioner Rouse was absent.

2B. Case No. 0409-22, Tentative Waived Parcel Map, CE 04-197

Applicant: Edward Kennedy
Subject Site: 3660 Pacific Avenue & 140 W. 37th Street
(Council District 8)
Description: Request for approval of Tentative Waived Parcel Map No. 0303-26 for the purpose of converting two single family homes to a two-unit condominium for individual sale.

Lynette Ferenczy presented the staff report and remarked that the applicant had applied for the same request in 2003 and was approved by the Planning Commission, but later denied by the City Council.

Edward Kennedy, applicant, responded to comments made in a petition that was circulated in opposition to the condominium conversion. He stated that he felt the character of the neighborhood would not be changed by the project since the majority of the dwellings in the neighborhood were characterized as duplexes. He also mentioned that he thought it was doubtful that someone would purchase the property, tear down the duplexes and rebuild a single family residence, due to the high cost associated with that.

Mr. Kennedy also remarked that there was a fear that a high rise would be built on the property. To alleviate these concerns he suggested that the C.C. and R.'s state that no expansion external or upward would be allowed nor would any waiver requesting the same be allowed to be applied for.

Mr. Kennedy stated finally that he felt that the project would promote homeownership.

In response to a query from Commissioner Greenberg, Mr. Kennedy stated that he did not apply for a lot split because the property had been down zoned to R-1 and the lots were too small under the current code to allow for a lot split without applying for a variance.

Michelle Gray, 3616 Pacific Avenue, stated that she opposed the project because she was afraid it would set a precedent for other property owners in the area.

John Deats, 3600 Pacific Avenue, stated that he opposed the project because the City Council previously found that the project was not in the best interest of the neighborhood. He also stated that he was afraid that the project would be precedent setting and he did not want the neighborhood to turn into condominiums.

In response to a query from Commissioner Greenberg, Mr. Deats stated that by keeping the property a duplex it would provide the city with a quality rental property and allow for homeownership with a rental income.

Paul Crawford, 3734 Pacific Avenue, stated that he opposed the project because he would like to preserve the nature of ownership in the area.

Mr. Crawford commented that the neighborhood was happy with the quality of renters that were attracted to the area.

Scott Olson, 3633 Pine Avenue, stated that he opposed the project because he wanted to maintain Los Cerritos in its current fashion and protect the flavor of the neighborhood. He remarked that several years ago the neighborhood had opposed subdivisions and he felt that this project was a "virtual" subdivision.

Mr. Olson also stated that he felt that 2 home condominium associations were rife with management problems and often had no clear association rules to handle issues and rarely had association dues to maintain common areas.

Edith Pearl, 3556 Pacific Avenue, stated that she opposed the project because she thought there were too many problems with 2 home condominium associations.

Ms. Pearl also remarked that she owned and lived in a duplex in the neighborhood and it was the rental income from the other unit that helped her to purchase the property.

Matthew Chappelle, 3032 Country Club Drive, President of Country Club Village Community Association, stated that he was opposed to the project because he felt that it was precedent setting.

Jack Smith, 2453 Golden Avenue, stated that he was opposed to the project and pointed out that if the condominium conversion was approved there was no guarantee that the condos would be owner occupied and not used as rentals.

Mr. Smith also stated that he had previously owned a 2 on a lot condominium and attested to the fact that disputes were not easy to resolve.

Steve Hyde, 3853 Weston Place, stated that he supported the project and did not feel that approval would change the character of the neighborhood.

Commissioner Sramek remarked that if someone were purchasing property as an investment they would probably be more likely to buy a condominium and rent it out. He also stated that he liked the fact that the neighbors came out as a group to show that they cared about what happened in their neighborhood and added that he also felt that this project was precedent setting.

Commissioner Sramek then made a motion to deny converting the two single family homes into a two-unit condominium and Commissioner Greenberg seconded the motion.

Commissioner Winn stated that he would not support the motion, because he did not feel it would help to promote homeownership in Long Beach.

Commissioner Stuhlbarg stated that he would not support the motion either. He remarked that he did not feel that a precedent being set was imminent and that he had not been convinced that the previous decision of the Planning Commission was not the correct one.

Commissioner Jenkins also stated that he would not support the motion.

The question was called and the motion failed on a vote of 2 in favor and 4 opposed.

Commissioner Winn then made a motion to approve the Tentative Subdivision Map, subject to conditions and Commission Stuhlbarg seconded the motion. The motion failed on a vote of 3-3. Commissioners Winn, Stuhlbarg and Jenkins voted to support the motion and Commissioners Sramek, Greenberg and Gentile voted in opposition.

The result of the failed motions was the denial of the application.

3. Case No. 0411-20, Zoning Ordinance Amendment, CE 04-245

Applicant: City of Long Beach
Fady Mattar, Acting Director of Planning and Building
Subject Site: Citywide
Description: Proposed amendments to the Zoning Ordinance regarding parking requirements for expansion and alteration of residential uses with nonconforming parking.

Carolyn Bihn presented the staff report and explained that Planning staff had been directed by City Council to prepare the amendment due to the growing number of property owners that are increasing the number of bedrooms within their dwelling units by building new interior walls. Ms. Bihn added that this practice could have negative impacts on a neighborhood by creating an increased parking demand due to the increased number of people occupying a dwelling unit. Ms. Bihn further stated that staff was recommending that additional parking be provided for 0-1 bedroom units that were divided up internally to provide additional bedrooms. Single-family dwellings, one dwelling on one lot, would be exempt from this new provision.

Beth Stochl, Housing Services Bureau Manager, stated that the Community Development and Housing Department supports the proposed action, because neighborhoods where these conversions are taking place are already densely populated and parking impacted and this compounds the problem.

In response to a query from Commissioner Winn, Mr. Carpenter stated that the Planning Department would monitor the proposed construction of additional bedrooms through the permit process, which would ensure that the required additional parking was being added.

In response to a query from Commissioner Winn, Mr. Carpenter stated that there was nothing currently in the Zoning Code that could prevent someone from adding additional bedrooms internally to a unit other than Building Code requirements regarding minimum bedroom size and emergency exit windows.

Mr. Mattar clarified that a new building with two or more bedrooms was only required to have two parking spaces. He added that this proposal applied to existing buildings and was not meant to be more restrictive in its parking requirements than for a new building that was being built today.

In response to a query from Commissioner Sramek, Ms. Bihn stated that 52 building permits were issued in the last year for this type of a conversion and an increase was noted towards the end of the year.

Charles Belknap, Director of Housing for the Mental Health Association, 320 Pine Avenue, Suite 308, stated that he opposed the proposed amendment because it did not provide a solution to the housing supply problem. Mr. Belknap further stated that according to the 2000 census, 70% of rental housing have 1 or no car, with the lowest income households having the least cars. He felt that there were other ways to deal with parking problems including prohibiting overnight parking.

Dennis Head, 2827 E. Spaulding Street, stated that he supported the amendment because he felt that these types of bedroom conversions were destroying the community and he would like to see more restrictions placed on them.

Susanne Browne, Legal Aid Foundation of Los Angeles, 110 Pine Avenue, Suite 420, stated that she opposed the proposed amendment based on procedural grounds. She stated that council had instructed the Planning Department to meet with affordable housing developers before drafting the amendment. She further stated that she was contacted after it was drafted asking for her help in setting up a meeting with developers. She remarked that the developers she spoke with were concerned about the negative unintended consequences the amendment could have on affordable housing in the city. She then asked the Commission to continue the item until the developers had a chance to meet with staff to discuss these concerns.

In response to a query from Commissioner Stuhlbarg, Ms. Browne stated that she thought a meeting could be set up within a couple of weeks.

David Henseler, 3210 Singingwood Drive, Torrance, stated that he owned and managed three properties in Long Beach and supported the proposal. He stated that he felt that adding more people in units negatively affects the quality of life for tenants.

Josh Butler, Long Beach Housing Trust Fund Coalition, 4502 E. 15th Street, stated that he was opposed to the proposal. He commented that the disabled community largely does not drive and he felt that this could have a negative impact on them. He stated that he also felt that developers needed to be contacted for input and that he would support continuance of the item.

Robert Anderson, Chairman of EPAC, 382 Molino Avenue, stated that he supported the amendment. He stated that these types of conversions tremendously increase the density of a neighborhood and create negative impacts.

Tracy Golla, 1813 Hackett Avenue, stated that she was opposed to the amendment. She stated that she purchases buildings in disrepair and fixes them up. She commented that she provides a cleaner, safer environment for families to live in and doesn't want to be told that she can no longer do this. She also agreed that more people needed to be contacted for input on this matter.

Nancy Alswede, Director of the Apartment Association of Southern California Cities, 333 W. Broadway, Suite 101, stated that her organization had been working with the Building Department, the Housing Authority and the City Council regarding this matter for about 6 months. She stated that her organization supported the amendment, but felt that an appeals process was necessary.

Mark Bolanos, 4141 E. 7th Street, stated that he was opposed to the proposal because he felt it was in direct conflict with the Long Beach Housing Element and had disparate impacts on large renter households and minorities. He further stated that according to the 2000 census 86% of large renter households lived in overcrowded conditions. He commented that minority households typically have a higher percentage of larger households. The Housing Plan contains policies to encourage the construction of larger units that could accommodate large families without creating overcrowding.

Mike Wilson, 942 Orizaba Avenue, stated that he was opposed to the project and felt that the minimum bedroom size should be increased. He also felt that parking was being used as subterfuge, since many of the properties did not have enough parking to begin with. He stated that he also supported a continuance of the item and suggested that a moratorium be placed on issuing more permits.

Mike Mais stated that the minimum bedroom size could not be altered because the State adopts uniform building codes that cities are obligated to follow. Other cities have tried to alter the minimum bedroom size and have ended up being sued and the appellate courts have upheld the uniform building codes.

Jan Ward, 1341 Gladys Avenue, stated that many of the problems in her area were a direct result of too many people living in too small an area. She further stated that she supported the amendment because she felt that it provided a means of enforcement against "bootlegged" units.

Commissioner Greenberg made a motion to continue the item to a date to be readvertised and recommend that the City Council adopt a moratorium on additions. Commissioner Sramek seconded the motion, which passed 6-0. Commissioner Rouse was absent.

4. Case No. 0408-32, Local Coastal Development Permit, CE 04-180

Applicant: Karen Otis, agent for Mykonos Restaurant
Appellant: Tom Fenholt
Subject Site: 5374 E. 2nd Street

Description: Appeal of the Zoning Administrator's decision to approve a Local Coastal Development Permit for outdoor dining at an existing restaurant.

Jayme Mekis presented the staff report regarding the appeal of the Zoning Officer's decision to approve outdoor dining at Mykono's Restaurant in Belmont Shore.

Tom Fenhold, appellant, 182 Claremont, stated that he felt the restaurant created a nuisance because since it had expanded, other restaurant operations hadn't been updated to accommodate the expansion. He asked that the owners work to improve the appearance of the area in back of the restaurant, including upgrading their parking lot and moving their garbage area.

In response to a query from Commissioner Sramek, Mr. Fenhold remarked that citations against the restaurant could be found on the City of Long Beach website including closures for sewage and vermin problems.

Joyce Nikolau, 3180 Lilly Avenue, applicant, stated that their trash was picked up four times a week and their grease was picked up monthly. She also stated that they couldn't add more landscaping without losing valuable parking spaces.

In response to remarks from Mr. Fenhold, Ms. Nikolau stated that the size of the restaurant had not increased, nor had the size of the eating area.

In response to a query from Commissioner Jenkins, Ms. Nikolau stated that they did not have any health issues or closures at any of their other restaurants.

In response to a query from Commissioner Sramek, Ms. Nikolau stated that the employees were supposed to clean every day. Their policy is that when things were slow, employees should be cleaning.

Mr. Fenhold remarked that the restaurant had a steam cleaning crew come in to clean the parking lot and trash area at 1:00 am and they would wash the debris into the gutter, which accumulated in the neighborhood.

Ms. Mekis stated that conditions were included that addressed cleaning and maintenance issues including maintenance of the rear of the building, daily cleaning of the parking lot and no storage of buckets, ladders, employee bicycles or other equipment in the parking lot.

Commissioner Winn stated that he understood Mr. Fenhold's concerns, but didn't feel that adding outdoor dining would create additional problems. Commissioner Winn also stated that if the project was permitted, he wanted to ensure that the conditions were enforced.

Commissioner Winn then made a motion to deny the appeal and uphold the decision of the Zoning Administrator to approve a Local Coastal Development Permit. Commissioner Greenberg seconded the motion.

In response to a query from Commissioner Greenberg, Mr. Carpenter stated that by approving the permit request many of the concerns the appellant had would be addressed. Also, there would now be a planner

familiar with the project that could be contacted if there was a problem.

Commissioner Jenkins stated that he felt this was a win-win situation for both parties because the restaurant would get their outdoor dining permit and the appellant had a response to his nuisance issues.

The question was called and the motion passed 6-0. Commissioner Rouse was absent.

MATTERS FROM THE AUDIENCE

There were no matters from audience.

MATTERS FROM THE DEPARTMENT OF PLANNING AND BUILDING

Mr. Carpenter reported that the City Council had approved the Boeing Douglas Park project, changes to the Zoning Ordinance with regards to nude modeling at art galleries, art studios and educational facilities and allowing restaurants and cafes to have up to ten computers without being considered an internet arcade.

MATTERS FROM THE PLANNING COMMISSION

There were not matters from the Commission.

ADJOURN

The meeting adjourned at 5:10.

Respectfully submitted,

Heidi Eidson
Minutes Clerk